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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,395	03/19/2001	Michael A. Muller	366.125	6004
5514	7590	06/14/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			RETTA, YEHDEGA	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/810,395	MULLER, MICHAEL A.
	<b>Examiner</b>	<b>Art Unit</b>
	Yehdega Retta	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 and 55-103 is/are pending in the application.
- 4a) Of the above claim(s) 23-54 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 and 55-103 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_ .  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

Applicant's election without traverse of Group I (claims 1-22 and 55-103) in the reply filed on March 23, 2006 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 65-82 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 65 recites transmitting from a server via a network a formulation of a problem from a first participant. It is unclear if the transmitting is done from the server or the first participant.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 and 55, 56, 58-67, 69-84, 86-103, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kaplan (US 2002/0076674).

Regarding claims 1-22, Kaplan teaches a server operable to receive formulation of a problem to be solved; receiving suggested solutions to the problem; distribute portions of an award to those who contributed the suggested solutions; tools for controlling the distribution of the award; wherein the distribution of the portions of the award are varied; manage a discussion

of the problem and the suggested solutions; remaining portion of the award automatically distributed to other participants within the predetermined time; blocking the further development ... (see [0047] – [0050], [0056] –[0066]), [0082]-[0096], [0110]-[0121]; facilitate a private problem resolution discussion between a client and authority (see [0202], [0203].

Regarding claims 55, 56, 58-67, 69-84, 86-103, Kaplan teaches accept from a first participant a formulation of a problem to be solved; place the formulation of the problem to be solved onto the network; send onto the network from a plurality of other participants suggested solutions to the problem and receive off the network a selection of tools for controlling a distribution of portions of an award to those participants who contribute suggested solution manage a discussion of the problem and the suggested solutions; remaining portion of the award automatically distributed to other participants within the predetermined time; blocking the further development (see [0047] – [0050], [0056] –[0066]), [0082]-[0096], [0110]-[0121]; facilitate a private problem resolution discussion between a client and authority (see [0202], [0203].

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 57, 68 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al. (US 2002/0076674).

Regarding claims 57, 68 and 85 Kaplan failed to teach anonymously transmitting the formulation of the problem and receiving suggested solution. Official Notice is taken that anonymous communication is old and well known in the art of Internet. It would have been obvious to one of ordinary skill in the art to modify Kaplan's online distributed problem solving to provide anonymous communication, since participants would like to stay anonymous in order to protect their privacy.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gardner (US 6,064,978) teaches rewarding participants who provide numerous or high quality answers.

Lauffer (US 6,223,165) teaches rewarding experts for providing advise.

Glinn (US 6,275,811) teaches acknowledgment of positive contribution.

Introduction to the CESDIS Beowulf; Beowulf Introduction & Overview, 11/9/1998.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YR

  
RETTA YEHDEGA  
PRIMARY EXAMINER